

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TODRICK MORRIS,

Plaintiff,

V.

DANIEL HINES, ET AL.,

Defendants.

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CASE NO. 5:20-CV-00036-RWS

ORDER

Plaintiff Todrick Morris filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. Counsel has since been appointed to represent Plaintiff.

Two of the Defendants, Nurse Tara Adams and Nurse Josephine Ropella, filed motions for summary judgment based upon exhaustion of administrative remedies. *See* Docket Nos. 67, 81. After review of the motions and responses, the Magistrate Judge issued a Report on April 27, 2022, recommending that the motions for summary judgment be granted and the claims against Nurses Adams and Ropella be dismissed without prejudice for failure to exhaust administrative remedies. Docket No. 96. No objections have been filed to the Report. Accordingly, the parties are barred from *de novo* review by the District Judge of those findings, conclusions and recommendations—and, except upon grounds of plain error—from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous,

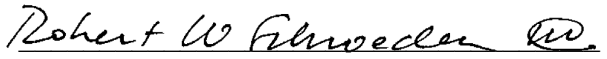
abuse of discretion and contrary to law.”). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 96) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the motions for summary judgment by the Defendants Nurse Tara Adams (Docket No. 67) and Nurse Josephine Ropella (Docket No. 81) are **GRANTED** and the Plaintiff’s claims against these two Defendants are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies. Nurse Adams and Nurse Ropella are dismissed as parties to this civil action. The dismissal of these claims and parties shall have no effect upon the remaining claims and parties in this case.

IT IS SO ORDERED.

SIGNED this 14th day of June, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE